

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark application Serial No. 78807637

For the mark ACCUSTOP

Published in the Official Gazette on September 26, 2006

TTAB

MMRI, CORPORATION,
Opposer

v.

SECOVAC INTERNATIONAL
Applicant.

01/30/2007 6THOMAS2 00000129 78807637

01 FC:6402

300.00 OP

NOTICE OF OPPOSITION

01-24-2007

U.S. Patent & TMO/TM Mail Rcpt Dt. #34

Opposer, MMRI Corporation, a Virginia corporation having its principal business place of business at 15740 Palmer Lane, Haymarket, Virginia 20169, believes that it will be damaged by registration of the mark ACCUSTOP shown in Application Serial No. 78807637 and hereby opposes the same under the provisions of 15 U.S.C. 1063. As grounds for opposition, Opposer asserts:

1. Opposer is owner of U.S. Trademark Registration No. 2493930 for the mark ACCUDRY for use in connection with "Moisture Measurement Systems comprising steel plates for insertion into stacks of wood to be dried, probes, spring clips for connecting probes to steel plates, controllers, meters, and peripherals therefor, such systems being used for measuring moisture content in lumber stacks" in International Class 009. The registration issued on October 2, 2001. The mark Accudry has not been abandoned, and the registration is more than five years old.
2. Opposer is owner of the trademark ACCUDRY and of the reputation and good will of Opposer's business connected with, and symbolized by, said trademark.
3. Opposer's ACCUDRY mark has become well known and since 1999 has been recognized by customers in the field of wood drying as identifying products of opposer. Typical for the mark ACCUDRY is also its red color and set of letters (AccuDry), shown in the logo on letters, the

website and all advertisement materials.

4. The above-identified opposer believes that it will be damaged by registration of the mark shown in the above-identified application, and hereby opposes the same.
5. By the application herein opposed Applicant Secovac International ("Applicant") seeks to register the mark ACCUSTOP for "Electric or electronic sensors for wood moisture measurement" in International Class 009.
6. Applicant's ACCUSTOP mark is similar to Opposer's ACCUDRY mark in appearance, connotation and commercial impression.
7. The Goods and services sold by the Applicant under its ACCUSTOP mark are identical and/or closely related to the goods covered by Opposer's ACCUDRY registration.
8. Applicant presents its mark in the same color scheme as the ACCUDRY logo, i.e., same type of red, same type of letters. For comparison, please review Opposer's website www.accudry.com and Applicant's website: http://www.secovac.com/AccuStop_a.html.
9. Opposer's ACCUDRY mark became well known and recognized as a source-identifier by customers in the wood-drying market many years prior to the filing date of Applicant's application and prior to any use by Applicant of its mark ACCUSTOP. Moreover, Applicant previously has been a vendor of ACCUDRY.
10. Opposer has not given Applicant permission or approval to use or register the mark ACCUSTOP.
11. In view of the similarities of the respective marks and the identity of goods and services of the respective parties, Applicant's mark so resembles Opposer's mark, as to be likely to cause confusion, or to cause mistake, or to deceive.
12. If Applicant were granted the registration applied for, it would thereby obtain a *prima facie* exclusive right to the use of its alleged trademark and all trademarks likely to be confused therewith, for the goods specified in the Opposed Application and all related goods or services,

and Opposer would be thereby harmed.

13. WHEREFORE, Opposer respectfully requests that Application Serial No. 78807637 be rejected, that registration of the mark therein shown for the goods therein specified denied, and that this Opposition be sustained in favor of Opposer.

Respectfully submitted by

Date



Jan/23/2007

Liebrecht R. Venter / President of MMRI

The AccuDry System

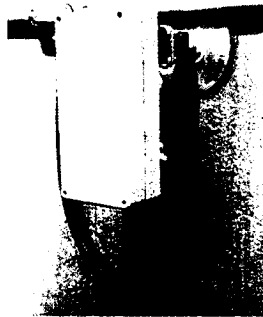
| [Overview](#) | [Process Diagram](#) | [On Site Photos](#) |

Installation Details:



External view of kiln with two meters installed.

(Click photo to enlarge)



Meter installed outside the kiln.



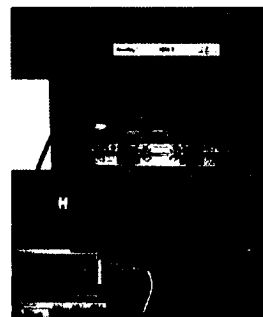
The swing-arm system for maximum reach to stacks.

(Click photo to enlarge)



Spring clips attach to probes inserted into stack.

(Click photo to enlarge)



Control room LCD displays a graph of the moisture content.



The new **AccuStop** In-Kiln Moisture Measurement System has been designed to measure the moisture content of a large sample of lumber at various locations in the dry kiln during the drying process when the temperature inside de kiln is above 180°F

VALUABLE FEATURES

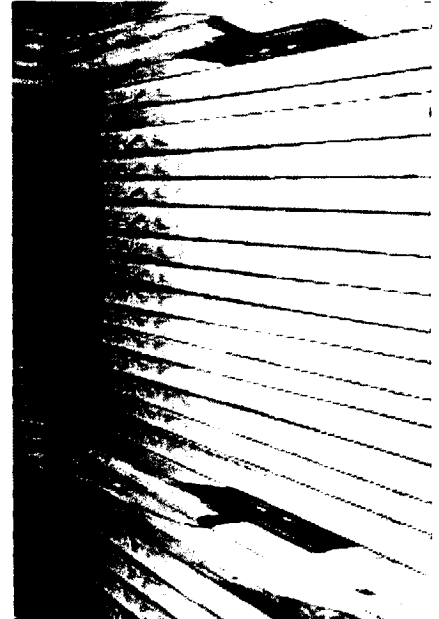
- Measures moisture content of lumber above and below fiber saturation point
- Monitors the drying process continually, providing real time feed back that can be used to achieve a desired moisture content within the charge
- Provides precise moisture measurement for consistent and repeatable results at shutdown
- Reads humidity of large samples, typically between 250 and 350 boards
- Measures full range moisture content within 1% end point accuracy
- Fully integrates with new and existing **Secovac Multizone Control Systems** and works in conjunction with TDAL to ensure superior lumber drying results
- Integrates with practically any computerized kiln controller

MAJOR BENEFITS

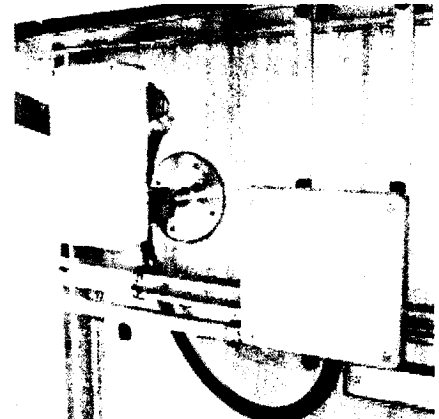
- Eliminates the need of manual hot checks after each load
- Shuts the kin down based on actual moisture content within 1% of the target humidity
- Increases premium grade by reducing downgrade due to overdrying
- Dimension of green lumber can be reduced since overdrying is eliminated
- Improved shorten drying schedules that reduce energy consumption
- Reduces the statistical variance when reconditioning is performed

HOW IT WORKS

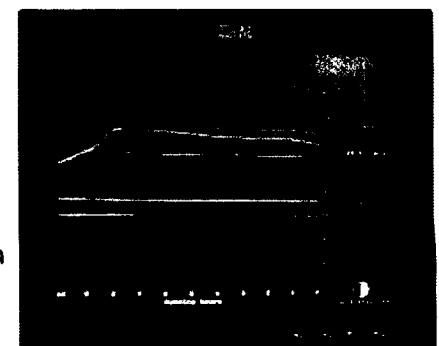
- The sample is set by inserting two stainless steel plates into a stack of lumber. The plates extend the full width of the stack and all the boards between the plates form part of the sample
- Depending on the width of the boards, a typical sample will have 200-350 boards in it. Depending on the kiln length and system layout normally 4 to 8 such samples are taken for each dry kiln
- A meter located at the exterior of the kiln measures the time-harmonic electromagnetic field between the plates. The reading is converted into a data string and transferred to a controller using a RS-485 transfer protocol on the data communication cable
- The data is received at the controller where it is converted to a moisture measurement. This moisture reading is displayed both numerically and graphically on the **AccuStop** LCD screen. It is also made available via a RS232 connection to a computerized kiln controller or PLC that is configured to receive the **AccuStop** moisture information
- The kiln operator can use this information to run a moisture driven drying schedule and to shut the kiln down when a desired moisture content is reached
- The cables should be disconnected from the plates before pushing the charge out of the kiln. Once the charge is out, the plates should be removed and stored so they will be ready to be inserted into the next green charge



Stainless plates are inserted into stack. Spring clips are then clipped to the plates as shown



Meters are attached to a through-wall fitting and connected to a junction box



What's New at Secovac !

September 2001	AccuDry™ System	In-Kiln Moisture Measurement
May 2001	New Products	Vibration Detector for Dry Kiln
May 2001	New Products	Waterless Wet Bulb
May 2001	New Products	Double Bath Wet Bulb
October 2000	Technical Documentation	Table of the Temperature vs Resistance for an RTD
October 2000	Frequently Asked Questions	New Section to Answer the Most Frequently Asked Questions
October 2000	Index of Classic Opto22	Documentation from Opto22 Added